

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Longville

February 18, 2004

An act to amend Section 11358 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as introduced, Longville. Marijuana: cultivation: personal use.

Existing law generally provides that the cultivation of marijuana is a felony for which the punishment is incarceration in state prison.

This bill would make an exception to this general rule by providing that any person who, solely for his or her own personal use, cultivates 6 or fewer marijuana plants grown in an area not larger than 16 square feet on private property with respect to which he or she has ownership or control shall, instead, be guilty of a misdemeanor for which the punishment would be a maximum fine of \$250 for each plant, community service, or both a fine and community service. Because this bill would result in new duties on the local government with respect to the assessment of the fine or supervision of community service, this bill would impose a state-mandated local program upon local government.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11358 of the Health and Safety Code is
2 amended to read:
3 11358. ~~Every~~ (a) *Except as provided in subdivision (b),*
4 *every person who plants, cultivates, harvests, dries, or processes*
5 *any marijuana or any part thereof, except as otherwise provided by*
6 *law, shall be punished by imprisonment in the state prison.*
7 (b) (1) *Notwithstanding subdivision (a), any person who,*
8 *solely for his or her own personal use, plants, cultivates, harvests,*
9 *dries, or processes six or fewer marijuana plants grown in an area*
10 *not larger than 16 square feet shall be guilty of a misdemeanor and*
11 *subject to a maximum fine of two hundred fifty dollars (\$250) for*
12 *each plant, community service, or both a fine and community*
13 *service.*
14 (2) *This subdivision shall apply only to a person who commits*
15 *the offense on private property with respect to which he or she has*
16 *ownership or control.*
17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

